

Exhibit B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

LOCAL 2507, UNIFORMED EMTs,
PARAMEDICS & FIRE INSPECTORS,
Individually and on behalf of
its current and former members;
LOCAL 3621, EMS OFFICERS UNION,
Individually and on behalf of its
current and former members; NYC
EMS SUPERIOR OFFICERS ASSOCIATION,
Individually and on behalf of its
current and former members; TONYA
BOYD, CHRISTELL CADET, MARK
CARRASQUILLO, LIZETTE CLARO,
BEVERLY COBB, ALI COUTARD, SENCIA
DATILUS, LAITRICE EDWARDS, ALICIA
ELKADI, RONALD FLOYD, KAHLIA
GRAHAM, RICHARD GUZMAN, MAGGIE
HOPE, JASMIN HOWARD, ANGELA JONES,
RAVIVARMAN KAILAYANATHAN, MELANIE
MORENO-KETCHUM, JENELLE PIERRE,
SIMONE QUASHIE, JASON SAFFON,
ALLISON SHAUGHNESSY, LAURA TORRES,
ANDRE VALDEZ, LANCE WINFIELD,
RONALD WOLFE, MARYLOU AURRICHIO on
behalf of themselves and all other
similarly-situated individuals,
Plaintiffs,

Case No.
22-cv-10336
(AT)(GWG)
[rel. 20-cv-
3389]

-against-

CITY OF NEW YORK on behalf of the
Fire Department of the City of New
York,

Defendant.

-----x

May 24, 2023

Deposition of HAROLD WAGNER

Reported by: Lisa Hiesiger

SY007275

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

May 24, 2023
10:05 a.m.

Deposition of HAROLD WAGNER, taken by
Plaintiffs, pursuant to Notice, held via Zoom
before Lisa Hiesiger, a Shorthand Reporter and
Notary Public within and for the State of New
York.

A P P E A R A N C E S :

THE KURLAND GROUP
Attorneys for Plaintiffs
85 Broad Street, 28th Floor
New York, New York 10004

By: YETTA KURLAND, ESQ.
Kurland@kurlandgroup.com

NEW YORK CITY LAW DEPARTMENT
Attorneys for Defendant
100 Church Street
New York, New York 10007

By: LORA MINICUCCI, ESQ.
ANGELA WANSLOW, ESQ.
Lminicuc@law.nyc.gov

JENNA CALDARELLA, ESQ.
FDNY
9 MetroTech Center
Brooklyn, New York 11201

~oOo~

1 Wagner

2 but the computer can only crunch based on the
3 efforts that people put forth to create all of
4 that coding. That project could have been going
5 on for three to six months.

6 Q. And I'm saying three to six months to
7 draft code to pull the FTOC reports?

8 A. Depending upon how complicated are
9 the data containers. I don't know if they had to
10 create new data containers. There might be new
11 data in there that didn't exist before. So
12 therefore, we had to open up new servers and open
13 up new data containers.

14 Because I remember when that report
15 first came out, and I don't remember prior to
16 that ever tracking the MOS ILL for like the
17 voluntary hospitals, and things like that.

18 So it appeared to me that we're
19 always improving a lot of our KPIs, and it
20 wouldn't be uncommon, it went through a stage of
21 development, R&D, and then it went through a
22 stage of let's test it in a testing environment
23 until it eventually is delivered to the client.
24 And then the client has to look at it and make
25 sure that there's no more changes and then the

1 Wagner

2 client has to sign off on it. So it's quite
3 possible that it could have taken three to six
4 months.

5 Q. How often is the Mayor's report
6 produced?

7 MS. WANSLOW: Objection. Outside the
8 scope.

9 Q. You can answer.

10 A. Thank you. It is a fiscal year
11 report that we update monthly.

12 Q. So you provide a report to the mayor
13 monthly, does that report include the statistics
14 that we've talked about?

15 MS. WANSLOW: Objection. Outside the
16 scope.

17 A. It has many KPIs, some of which there
18 may be some overlap. And there are definitely
19 KPIs that we did not discuss or that are not in
20 this dataset that I'm looking at at the moment.

21 Q. Can you give me some examples?

22 A. A quick example would be the number
23 of apparatus collisions, how many times they've
24 been involved in an MVA. It could be -- I want
25 to make sure I'm going to repeat this

1 Wagner
2 correctly -- if it is Rusk return of spontaneous
3 circulation, basically someone who is in cardiac
4 arrest and had no pulse, however, after CPR and
5 treatment they had the return of spontaneous
6 circulation. So the patient was basically
7 revived, and that number is reported in the
8 Mayor's management report.

9 Q. Is there a Mayor's report for Fire
10 and a Mayor's report for EMS or is there one that
11 combines both?

12 MS. WANSLOW: Objection, outside the
13 scope.

14 You can answer.

15 A. It is an agency report and it has
16 Fire, EMS and it also has, I believe, Fire
17 protection KPIs included as well.

18 Q. We'd ask then if you make a search --
19 do you maintain those records in the normal
20 course of your business?

21 MS. WANSLOW: Objection.

22 A. If Harold Wagner maintains them or
23 the department?

24 Q. The department.

25 A. The department, yes.

1 Wagner

2 (###req) MS. KURLAND: I ask then if
3 you can produce them from 2016 to the
4 present, those monthly reports.

5 I think we're out of time because I
6 think Ms. Wanslow has to end at 5, and
7 there are a number of items that were both
8 the scope of the topic for discussion that
9 Mr. Wagner was not able to testify to,
10 because he's only able to testify to EMS
11 CAD and not Fire CAD and there's also an
12 issue with the fact that he has not ever
13 looked at the data that's been produced by
14 the City nor is he familiar with using the
15 information on the online portal on the
16 open data website.

17 So we're going to mark this as a
18 continuance, but in reality I think what
19 it is is that we're going to need to get
20 counsel to produce is a different 30(b)(6)
21 witness with the requisite information, or
22 make sure that Mr. Wagner has that
23 information and reproduce him.

24 I also just want to know that we had
25 expected that Mr. Wagner would have